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September 26, 2003

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SEP 26 2003

PUBLIC SERVICE
COMMISSION

Via Hand Delivery

Mr. Thomas Dorman
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

RE: Case No. 2003-00143

Dear Tom:

I deliver herewith the original and six (6) copies of Supplemental Comments submitted by Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc. and the Independent Telephone Group for filing.

Very truly yours,

STOLL, KEENON & PARK, LLP

By



Lindsey Ingram, Jr.

/sl

Enc.

cc: Counsel of Record

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC
COMMISSION

IN THE MATTER OF:

PETITION OF NPCR, INC.,)	
D/B/A NEXTEL PARTNERS FOR)	CASE NO. 2003-00143
DESIGNATION AS AN ELIGIBLE)	
TELECOMMUNICATIONS CARRIER IN)	
THE COMMONWEALTH OF KENTUCKY)	

Come Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc., and the Independent Telephone Group,¹ by counsel, and pursuant to the Commission's Order of August 13, 2003, hereby submit the following Supplemental Comments.

SUPPLEMENTAL COMMENTS

These Supplemental Comments are intended to address the current record and the status of this proceeding, particularly in light of the responses that Nextel Partners provided on September 16, 2003 ("Nextel Partners' 09/16/03 Response") in response to the Information Requests of Logan Telephone Cooperative, Inc. et al.²

¹ An association of rural telephone companies consisting of Ballard Rural Telephone Cooperative Corporation, Inc.; Brandenburg Telephone Company; Coalfields Telephone Company; Duo County Telephone Cooperative Corporation, Inc.; Foothills Rural Telephone Cooperative Corporation, Inc.; Highland Telephone Cooperative, Inc.; Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; North Central Cooperative Corporation; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc.; Thacker-Grigsby Telephone Company, Incorporated and West Kentucky Rural Telephone Cooperative Corporation, Inc.

² Information Requests filed with Nextel Partners and the Commission on August 29, 2003, by the Independent Group.

The purpose of this proceeding is to evaluate whether Nextel Partners should be designated as an Eligible Telecommunications Carrier ("ETC") in certain service areas in Kentucky. As such, the Commission must determine whether Nextel Partners has demonstrated that its service capabilities, operations, and service quality are consistent with the requirements and expectations for ETCs and the public interest. This proceeding will also examine the public interest and policy implications related to designation of ETCs in rural telephone company service areas.

The original filings and Nextel Partners' 09/16/03 Response leave critical questions unanswered. For example, some wireless carriers concentrate the availability of their service signal along high-use highways. Accordingly, these wireless carriers cannot rationally contend that they currently provide service to an entire service area. Nextel Partners submissions in this proceeding, to date, do not provide any basis to determine the specific geographic scope of its signal availability. The generalized responses are based on a non-representative assumption of 3-watt mobile customer units; its drawings do not provide sufficient geographic detail or resolution to determine its service capabilities across the relevant service areas, and Nextel Partners has not provided any other factual evidence with respect to this critical question. Most notably, an indication of existing cell sites (which Nextel Partners has not provided) would be an indicator that would allow the Commission, the public, and interested parties to ascertain the particular characteristics of its existing service.

Moreover, to the extent that existing cell sites demonstrates that coverage is concentrated in only high-use areas, it would be necessary for Nextel Partners to provide specifics regarding the manner and process by which it would extend service to the entire service area to support its claim that it can provide service to the entire service area. Such demonstration would involve

analysis of additional cell sites that would be needed, the investment that would have to be made to extend service with additional cell sites, the investment schedule to accomplish this goal, and the feasibility of completing such service extension so as to reasonably assure the public that service would be available throughout the entire service area. Nextel Partners has not addressed these questions or provided evidence to support any conclusions.

In addition to the example set forth above, the Independent Telephone Group set forth a non-exhaustive list of issues which would require rigorous review of facts and policy in the context of ETC designation. The record in this proceeding has not changed significantly so as to alter the position of the Independent Telephone Group with respect to review of these issues.

The Independent Telephone Group has filed a Motion to Compel asking the Commission to require that the most relevant information that is critical to the examination in this proceeding will be made available by Nextel Partners. At such time as the status of the pending information requests has been resolved, and Nextel Partners has provided the necessary substantive responses, a second round of requests may arise to explore the issues set forth above. At a sufficient time after these issues are resolved and the parties have had an opportunity to review the available responses and potential follow-up responses, the Commission should set a date by which interested parties should be allowed to request a hearing.

WHEREFORE, Logan Telephone Cooperative, Inc., et al., pray that this be accepted as their Supplemental Comments, that the Commission's Procedural Order dated August 13, 2003, be amended to require the applicant to respond to the Motion to Compel filed September 24, 2003; that thereafter an opportunity be extended to submit additional information requests, subsequent comments and requests for a hearing.

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BY: 
Lindsey Ingram, Jr.

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading has been served by mailing same, postage prepaid, on this 26th day of September, 2003, to the following:

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